

# Notice of Allowability

Application No.

09/683,984

Examiner

Robert Sellers

Applicant(s)

SCHILE, RICHARD D.

Art Unit

1712



## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and substitute declaration filed 22 December 2003.
2. ☒ The allowed claim(s) is/are 22-28.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |   |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>104</u> . |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No. _____  | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                        |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance       |
|   | 9 <input type="checkbox"/> Other  |

Robert Sellers  
Primary Examiner  
Art Unit: 1712

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark A. Conklin on January 9, 2004.

The application has been amended as follows:

Change the title to: - EPOXY HARDENER OF IMIDAZOLE OR TRIHYDRIC COMPOUND WITH METHYLOL GROUPS, TRIMETHYLOLPROPANE AND TETRAMETHYLGUANIDINE (ADDUCT)--.

Claim 22, line 4 and claim 24, lines 5-6, replace "a phenol, and a dihydric phenol and formaldehyde" with --a phenol and formaldehyde, and a dihydric phenol and formaldehyde--.

Replace the abstract with the following new one presented on a separate page.

The following is an examiner's statement of reasons for allowance:

The substitute specification filed December 22, 2003 is proper due to the statement on page 6, the sixth paragraph of the "Remarks" section of the amendment filed December 22, 2003 that no new matter has been added. The substitute specification corrects the errors cited in the 35 U.S.C. 112, first and second paragraphs, rejections.

The closest prior art to Amagai et al. and Vogt et al. are directed to blends of trimethylolpropane with tetramethylguanidine and an imidazole. New independent claim 22 requires the tetramethylguanidine to be an adduct with reactants substantiated on page 42, paragraph 121 of the substitute specification. The tetramethylguanidine of the references is not in the form of an adduct, nor is there any motivation to modify it as such. New independent claims 24 and 27 defines a trihydric compound having methylol groups at the 2- and 6- positions which is not recited by any of the applied prior art. There is no motivation to employ the claimed methylol groups-containing trihydric compound over the imidazole disclosed in the patents.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

(571) 272-1093 (Fax no. (703) 872-9306)  
Monday to Friday from 9:30 to 6:00 EST



Robert Sellers  
Primary Examiner  
Art Unit 1712

--Abstract of the Disclosure

An epoxy resin hardener having a cure temperature of between about 60°C and 100°C comprises a mixture of:

- a) an imidazole or a trihydric compound having methylol groups at the 2- and 6-positions formed by reacting a 4-alkylphenol with 2 moles of formaldehyde,
- b) trimethylolpropane, and
- c) tetramethylguanidine or a tetramethylguanidine derived from the reaction of a monoepoxide, a diepoxide, a phenol and formaldehyde, or a dihydric phenol and formaldehyde.--.